

CHAPTER 23 GUNS AND OTHER WEAPONS

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2300 DISCHARGE OF WEAPONS

- 2300.1 No gun, air gun, rifle, air rifle, pistol, revolver, or other firearm, cannon, or torpedo shall be discharged or set off in the District without a special written permit from the Chief of Police.
- 2300.2 This section shall not apply to licensed shooting galleries between 6:00 a.m. and 12:00 midnight on Monday through Saturday, or between the hours of 2:00 p.m. and 11:00 p.m. on Sundays.
- 2300.3 This section shall not apply to the discharge of firearms or explosives in a performance conducted in or at a regular licensed theater or show.
- 2300.4 Upon application to the Mayor by the president of any private or public university, college, or other educational institution, or the president of the Board of Education of the District of Columbia, guns and rifles of small caliber may be used by the officers, instructors, and pupils of the school, upon receiving a permit for the discharge of arms from the Chief of Police.
- 2300.5 The permit issued under §2300.4 shall state the caliber of weapons allowed under the permit.

2300.6 Before a permit is issued, the president of the college, university, or other educational institution, or the president of the D.C. Board of Education, shall furnish the Chief of Police the written consent of the owners of a majority of the real property within a radius of two hundred feet (200 ft.) of the boundary lines of the lot or parcel of ground upon which the arms are to be discharged, unless the discharge is within an indoor, sound-proofed range.

2300.7 No place shall be used under the terms of §2300.4 until the Director of Consumer and Regulatory Affairs furnishes a certificate verifying that suitable precautions have been taken for the safety of the public and the protection of property by the erection of iron shields and other appliances that the Director may deem is necessary.

AUTHORITY: Unless otherwise noted, the authority for this chapter is the An Act approved July 8, 1932, 47 Stat. 650, ch. 465; as amended by An Act approved December 27, 1967, 81 Stat. §736, Pub. L. 90-226, title V, §501, D.C. Code 22-3201 *et seq.*; by the Firearms Control Regulations Act of 1975, D.C. Law 1-85, D.C. Code §6-2301 *et seq.* (1995 Repl. Vol.); and §29(d) of the Vital Records Act of 1981, D.C. Law 4-34, D.C. Code 1-337(g) (1992 Repl. Vol.).

SOURCE: Commissioners' Order No. 64-1397F, effective September 29, 1964, Article 9, §1 of the Police Regulations (May 1981).

2301 POSSESSION OF WEAPONS

2301.1 No person under the age of eighteen (18) years shall carry or have in his or her possession upon any street, avenue, road, alley, park, or other public space in the District, any gun, pistol, rifle, bean shooter, sling, projectile, dart, or other dangerous weapon of any character.

2301.2 Nothing in this section shall be construed as to prohibit a member of a duly authorized military organization from the proper use of the guns and other equipment used as a member of the organization.

2301.3 It shall not be lawful for any person to carry or have in his or her possession outside any building in the District an air rifle, air gun, air pistol, B-B gun, spring gun, blowgun, bowgun, or any similar type gun.

2301.4 Nothing in this section shall be construed as prohibiting the transportation of an air rifle, air gun, air pistol, B-B gun, spring gun, blowgun, or bowgun, unloaded and securely wrapped, by a person who is eighteen (18) or more years of age.

2301.5 Nothing in this section shall be construed as prohibiting the use of an air rifle, air gun, air pistol, B-B gun, spring gun, blowgun, bowgun, or any similar type gun, where the use of the gun is supervised by a person eighteen (18) or more years of age in connection with the following:

(a) A theatrical performance or athletic contest;

(b) A licensed shooting gallery; or

(c) Use at other locations where the use of the guns is authorized by the Chief of Police.

SOURCE: Commissioners' Order No. 64-1397F, effective September 29, 1964, Article 9, §§2, 4(b) of the Police Regulations (May 1981).

2302 SALE OR TRANSFER OF WEAPONS

- 2302.1 It shall unlawful for any person, firm, or corporation to sell, give, lend, rent, or otherwise transfer to any child under the age of eighteen (18) years any firearms, air rifle, air gun, air pistol, B-B gun, spring gun, blowgun, bowgun, or a similar type of gun; or ammunition, gunpowder, gun cap, cartridge primer, dynamite cap or detonator, B-B shot, pellet, projectile, dart, or other dangerous missile or explosive, in any quantity.
- 2302.2 Nothing in this section shall be construed as prohibiting the sale or other transfer of toy paper caps containing not more the twenty-five hundredths (.25) of a grain of explosive composition per cap.
- 2302.3 Nothing in this section shall be construed as prohibiting the transfer of any of the items listed in §2302.1 where the transfer is supervised by a person eighteen (18) or more years of age in connection with the following:
- (a) A theatrical performance or athletic contest;
 - (b) A licensed shooting gallery; or
 - (c) Transfer at other locations where the use of the item is authorized by the Chief of Police.

SOURCE: Commissioners' Order No. 64-1397F, effective September 29, 1964, Article 9, §4 of the Police Regulations (May 1981).

2303 APPLICATION REQUIREMENTS FOR LICENSES FOR CONCEALED WEAPONS

- 2303.1 The residence requirements for a license to carry a concealed weapon shall be as follows:
- (a) Applicant shall have a *bona fide* residence or place of business in the District of Columbia; or
 - (b) If the applicant does not have a *bona fide* residence or place of business in the District of Columbia, the applicant shall have a *bona fide* residence or place of business within the United States, and a license to carry a pistol concealed upon his or her person issued by the lawful authorities of that State or sub-division of the United States.
- 2303.2 No applicant shall be a person prohibited from possessing a pistol under D.C. Code §§22-3201 through §22-3217 (1981).
- 2303.3 Applicant shall be of sound mind. The Chief of Police or his or her designated agent may presume an applicant is not of sound mind if any of the following conditions are present:

- (a) Applicant was previously determined by a court or administrative agency to be of unsound mind;
 - (b) Applicant was found not guilty of a crime by reason of insanity;
 - (c) Applicant was ever civilly committed to a mental institution, whether that commitment was voluntary or involuntary;
 - (d) Applicant received treatment for a mental disorder on a regular basis;
 - (e) A reliable witness or witnesses supplies the Chief of Police a written, notarized statement that the applicant is of unsound mind; or
 - (f) Observation by police officials indicate that the applicant is not mentally competent. In this instance, at least two (2) officials of the rank of Sergeant or above shall state in writing their conclusion and facts supporting their conclusion that the applicant is mentally incompetent.
- 2303.4 The Chief of Police or his or her designated agent may disregard the impediments of §§2303.3 (a), (b), (c) or (d) if five (5) years have elapsed since the last recorded treatment or judicial determination of mental incompetence.
- 2303.5 To rebut a presumption that the applicant is of unsound mind, an applicant may offer the notarized report of a registered psychologist or psychiatrist that the psychologist or psychiatrist has examined the applicant within six (6) months prior to submitting the statement and found the applicant to be of sound mind.
- 2303.6 The Chief of Police or his or her designated agent may require the applicant to submit to psychiatric testing by a psychiatrist or psychologist selected by the Chief of Police at the expense of the Metropolitan Police Department.
- 2303.7 No applicant shall ever have been convicted in the District of Columbia or elsewhere of a felony or shall ever have been convicted of violation of any of the following:
- (a) D.C. Code §§22-3201 through 22-3217 (1981); or
 - (b) A weapons offense in any jurisdiction.
- 2303.8 No applicant shall be any of the following:
- (a) Under indictment for a felony or facing criminal misdemeanor charges involving wrongful use of a firearm in any jurisdiction;
 - (b) Charged in any competent court in any jurisdiction of a felony at the time his or her application is pending;
 - (c) A fugitive from justice or have previously been convicted of a firearm violation in any jurisdiction; or
 - (d) An alcoholic, or a user of illegal narcotic or hallucinogens.

2303.9 Applicant shall comply with the following requirements:

- (a) Be over twenty-one (21) years of age;
- (b) Be free from physical defects which would impair his or her safe use of the weapon, such as paralysis of hand or arm, poor vision, or lack of coordination due to age;
- (c) Have reason to fear injury to his or her person or property or any other proper reason;
- (d) Be properly trained and experienced in the use, functioning, and safe operation of the pistol; and
- (e) Present a certificate from a certified firing range stating that the applicant has satisfactorily completed a course of supervised training approved by the Chief of Police with the weapon from which the license is requested and is fully familiar with the use and servicing of the weapon.

2303.10 Applicant shall test fire his or her weapon at the standard police course under Metropolitan Police Department supervision to demonstrate his or her ability to shoot accurately and safely. An additional fee of twenty dollars (\$20) shall be required for this service. However, this test and fee shall not be required for license renewals.

2303.11 For the purposes of satisfying the specifications of §2303.9(c), applicant shall allege serious threats of death or serious bodily harm to his or her person or theft or destruction of property in writing, under oath. The applicant shall also allege that the threats are of a nature that the legal possession of a pistol would provide adequate protection.

2303.12 The Chief of Police or his or her designated agent shall conduct an investigation into the allegations of the applicant to determine if the alleged threats are serious and factual and are of a nature that can be protected by carrying a pistol. Factors to be considered include the substance of the alleged threat, whether or not the applicant made a timely report to the police of such threats, and whether or not the applicant has made a sworn complaint to the police in the courts of the District of Columbia.

2303.13 The Chief of Police or his or her designated agent shall find that normal police protection, a commission as a Special Police Officer pursuant to D.C. Code §4-114 (1981), or at the discretion of the Chief of Police, special police protection is insufficient to protect the applicant from the alleged threat to his or her person or property.

2303.14 An example of "any other proper reason" used to satisfy the requirements of §2303.9(c) may include an application by a parent, son, daughter, sibling or other adult member of the immediate family of the person for the protection of the other person who is physically or mentally incapacitated to a point where he or she cannot act in defense of himself or herself, or his or her property.

- 2303.15 "Any other proper reason" shall not include the carrying of a pistol to or from the place of purchase of the weapon, or to or from the place of target practice, sporting or recreational activity.

SOURCE: Final Rulemaking published at 21 DCR 413 (September 3, 1974).

2304 LICENSES FOR CONCEALED WEAPONS

- 2304.1 A license granted for concealed weapons shall be valid for one (1) month from the date of issuance.
- 2304.2 A license may be renewed at the end of one (1) month upon a written showing of continued need for the license. Applicants who fail to apply for a renewed license before the expiration date, shall be required to pay the application fee for re-application.
- 2304.3 Only one (1) weapon shall be carried pursuant to a license. The description and serial number of the weapon shall be part of the license. A new license shall be required for each different weapon carried.
- 2304.4 At the time of the initial interview with the Chief of Police or his or her designated agent, applicant shall bring the pistol which he or she will carry pursuant to the license and the holster or holsters in which the weapon will be carried.
- 2304.5 Applicant shall surrender possession of the weapon and holster to the Metropolitan Police Department for a check to determine whether the weapon was reported stolen, to verify that the weapon is safe, in good operating condition, and to obtain test fired ballistics specimens for future comparison if the weapon is fired and to ensure that the holster(s) meets minimum standards for safe carrying of the weapon.
- 2304.6 If the weapon is reported stolen, the weapon shall not be returned to the applicant until it is properly processed through the Metropolitan Police Department Property Division and a determination of the rightful owner is made.
- 2304.7 If the pistol is found not to be in good operating condition, the pistol shall be returned to the applicant. No license shall be issued for a pistol which is not in the rightful possession of the applicant or which is not in good operating condition.
- 2304.8 The pistol for which the license is applied shall be a five (5) or six (6) shot revolver of no greater than a thirty-eight (.38) calibre. Automatic or semi-automatic pistols shall not be approved.
- 2304.9 Ammunition for the weapon may be no greater in size than a one hundred fifty-eight (158) grain round nose lead bullet and have a velocity of no greater than eight hundred feet (800 ft.) per second. Each weapon shall be carried in a holster approved by the Chief of Police or his or her designated agent.
- 2304.10 Any intentional false statement made on an application can be grounds for criminal charges for making a false report to the police under this chapter.

- 2304.11 Any information contained on the application for a license to carry a pistol shall be available to any law enforcement agency for law enforcement purposes. Otherwise, the information contained on the application for a license to carry a pistol shall be considered confidential and shall not be released without the written permission of the applicant.
- 2304.12 An applicant shall identify all known medical and mental records and sign written release for the Chief of Police or his or her designated agent to obtain the records. These records shall be used only for determining eligibility to be licensed to carry a pistol and for no other purpose.
- 2304.13 This section shall apply to all applicants for a license to carry a pistol and all renewals of licenses currently possessed.
- 2304.14 Each licensee shall submit a report to the Chief of Police each time he or she fires his or her weapon. The report shall state the complete details of the shooting of the weapon.
- 2304.15 An applicant shall register the pistol for which the license will apply.
- 2304.16 A license to carry a weapon shall be required whether the weapon is to be carried openly or on or about the person in a concealed manner.
- 2304.17 Applicants shall first be personally interviewed by the Chief of Police or his or her designated agent at which time applicant shall be fingerprinted and photographed and shall obtain an application form.
- 2304.18 Applications shall be made in writing only on the forms provided by the Chief of Police or his or her designated agent for that purpose.
- 2304.19 Applicants shall submit to the Chief of Police or his or her designated agent the following:
- (a) A completed application; and
 - (b) The required fee of two dollars (\$2) which is non-refundable.
- 2304.20 Upon receipt of a duly filed application, the Chief of Police or his or her designated agent shall, within thirty (30) days, do the following:
- (a) Determine whether the application shall be approved;
 - (b) Determine whether the application shall be denied;
 - (c) Determine whether the applicant shall submit further information including further personal interviews or medical information, if necessary; and
 - (d) Notify the applicant in writing that his or her application has been approved or disapproved.

- 2304.21 Upon notification that his or her application has been approved, the Chief of Police, or his or her designated agent shall, within ten (10) days, issue the applicant a license to carry a pistol.
- 2304.22 An issued license may be revoked for any reason which would act as a bar to an original application for a license. In addition, a license may be revoked for misuse of the weapon. Misuse includes, but is not limited to the following:
- (a) Firing warning shots; and
 - (b) Playing or "clowning" with the weapon.
- 2304.23 Revocation shall be in writing and shall be served in the same manner a civil process in the D.C. Superior Court.
- 2304.24 If the Chief of Police or his or her designated agent has not sent notice to the applicant that the application has been approved within thirty (30) days of the date of application, the application shall be presumed to be denied.
- 2304.25 Application forms shall include a written release of medical records necessary for a determination that the applicant is a suitable person to be licensed to carry a pistol.

SOURCE: Final Rulemaking published at 21 DCR 413, 417 (September 3, 1974).

2305 REGISTRATION OF FIREARMS: GENERAL PROVISIONS

- 2305.1 The provisions of §§2305 through 2319 are issued by the Chief of Police pursuant to §206(b) of the Firearms Control Regulations Act of 1975, D.C. Law 1-85, D.C. Code §6-2316(b) (1981); referred to as the "Act"] to prescribe procedures for registration of firearms.
- 2305.2 The Director is authorized by the Act to prescribe all forms required to implement the Act. All the information called for in each form shall be furnished, as indicated by the headings on the form and the instructions that are on each form or that are issued with respect to each form.

SOURCE: Final Rulemaking published at 23 DCR 8942 (May 6, 1977), incorporating text of the Proposed Rulemaking published at 23 DCR 7061, 7070 (March 4, 1977); 35 DCRR §§300, 307, November 1980, Special Edition.

2306 DESTRUCTIVE DEVICES

- 2306.1 Any person may request the Director to make a determination whether a device falls within the exception to the definition of "destructive device" set forth in §101(7)(E)(iv) of the Act (D.C. Code §6-2302 (1981)).
- 2306.2 Each request for a determination shall be in writing, state the name and address of the manufacturer(s) of the device, accurately describe the device, and give the reasons the requestor believes the device qualifies for placement on the list.

- 2306.3 No person requesting a determination for a device already possessed by the requestor shall be charged with a violation of the Act prior to the adoption of a final rule.

SOURCE: Final Rulemaking published at 23 DCR 8942 (May 6, 1977), incorporating text of the Proposed Rulemaking published at 23 DCR 7061, 7079 (March 4, 1977); 35 DCRR §§319, November 1980, Special Edition.

2307 CRIMINAL DISQUALIFICATIONS FOR REGISTRATION

- 2307.1 For the purposes of §§203(a)(2), 203(a)(3), and 203(a)(4) of the Act, the following records shall be used to determine whether there is *prima facie* evidence of a disqualification:

- (a) A criminal history record (as defined in 28 CFR 20.3) with a disposition showing a conviction or a sentence (including a suspended sentence, probation, incarceration, or a fine); or
- (b) A court record showing a conviction or a sentence.

- 2307.2 Only convictions rendered by the courts of the several states, territories, possessions, and federal tribunals, including those of the military, shall be considered.

- 2307.3 The pendency of an appeal, or of any other judicial or non-judicial review, shall not be considered until the entry of a final order setting aside the conviction. Non-judicial review includes the pardon authority of the jurisdiction where the conviction was obtained.

- 2307.4 The time period preceding an application for registration shall be computed by using the date of the applicant's signature on form P.D. 219 as the end of the period of time to be computed.

SOURCE: Final Rulemaking published at 23 DCR 8942 (May 6, 1977), incorporating text of the Proposed Rulemaking published at 23 DCR 7061, 7067 (March 4, 1977); 35 DCRR §306, November 1980, Special Edition.

2308 MEDICAL DISQUALIFICATIONS FOR REGISTRATION

- 2308.1 The records described in §2307.1 shall also be used to establish whether a person was acquitted of a criminal charge by reason of insanity or adjudged a chronic alcoholic.

- 2308.2 Any official court or medical record revealing a civil judgment of chronic alcoholism or involuntary commitment to a private or public facility for chronic alcoholism shall establish the existence of that condition or disease for the purpose of disqualification imposed by §203(a)(5) of the Act.

- 2308.3 Any medical certification submitted to lift the disqualification imposed by §203(a)(5) of the Act shall meet the following criteria:

- (a) Be written on the official letterhead of the institution or physician treating the person;

- (b) Be signed by the treating physician, head of the treating physician's department, or medical director of the treating institution (signatures of non-medical administrative personnel shall not be acceptable);
- (c) Describe the condition from which the applicant has recovered, including physical manifestations of the disease, such as tremors or blackouts; and
- (d) State whether the person, in the certifying physician's opinion, is capable of the safe and responsible possession of the type of firearm for which an application has been filed.

2308.4 With respect to medical certifications to lift the disqualifier imposed by §203(a)(6) of the Act upon persons voluntarily or involuntarily committed to a mental hospital or institution, the requirements imposed by §2308.3 shall be applicable.

2308.5 Physical defects indicating that an applicant would not be able to safely and responsibly possess and use a firearm as required by §203(a)(7) of the Act include those conditions that, to the examining officer, visibly prevent or substantially interfere with the ability to hold, load, aim, fire, clean, or protect the weapon.

SOURCE: Final Rulemaking published at 23 DCR 8942 (May 6, 1977), incorporating text of the Proposed Rulemaking published at 23 DCR 7061, 7068 (March 4, 1977); 35 DCRR §306, November 1980, Special Edition.

2309 OTHER DISQUALIFICATIONS FOR REGISTRATION

2309.1 The entry of a judgment or consent order or decree of negligence in any civil suit concerning the discharge of a firearm resulting in death or serious injury to a human being without regard to the filing of criminal charges, or the finding by a coroner of negligent homicide, shall be considered an adjudication of negligence to establish the disqualifier in §203 (a)(8) of the Act.

2309.2 Serious injury shall be deemed to have occurred where the victim remains in a hospital in excess of forty-eight (48) hours.

2309.3 The existence of a record described in §2307.1 showing a conviction which makes a person ineligible to possess a pistol under D.C Code §22-3203 (1981), shall establish that the person is disqualified from possessing a rifle or shotgun under §203(a)(9) of the Act.

SOURCE: Final Rulemaking published at 23 DCR 8942 (May 6, 1977), incorporating text of the Proposed Rulemaking published at 23 DCR 7061, 7069 (March 4, 1977); 35 DCRR §306, November 1980, Special Edition.

2310 AGE AND VISION REQUIREMENTS

2310.1 To establish age as required by §203(a)(1), a valid driver's license, birth certificate, or other government document requiring a date of birth under penalty of perjury shall be acceptable.

2310.2 A valid driver's license from any state, territory, or possession, or an international driver's license or one issued by the military shall, in the case of a new resident, be treated the same as if it had been issued by the District.

- 2310.3 When a District permit is obtained, the applicant shall communicate the permit number to the Firearms Registration Section.
- 2310.4 If a District permit is denied, the applicant shall immediately contact the Firearms Registration Section to schedule a vision test.

SOURCE: Final Rulemaking published at 23 DCR 8942 (May 6, 1977), incorporating text of the Proposed Rulemaking published at 23 DCR 7061, 7067 (March 4, 1977); 35 DCRR §306, November 1980, Special Edition.

2311 KNOWLEDGE OF FIREARMS

- 2311.1 Knowledge of the laws of the District pertaining to firearms, and knowledge of the safe and responsible use of firearms, shall be tested through a written examination.
- 2311.2 Under compelling circumstances, an oral test may be administered in place of the written test.
- 2311.3 The type of test and its content shall be at the sole discretion of the Director.
- 2311.4 The written exam shall consist of no less than twenty (20) questions.
- 2311.5 A score of seventy-five percent (75%) or better shall be a passing grade.
- 2311.6 Rifles and shotguns shall be considered the same type of firearm for the purposes of testing.
- 2311.7 If an applicant fails an examination, he or she shall be allowed one (1) retest without charge.
- 2311.8 A fee equal to that submitted with the original application shall be assessed for the second retest and for each subsequent retest.

SOURCE: Final Rulemaking published at 23 DCR 8942 (May 6, 1977), incorporating text of the Proposed Rulemaking published at 23 DCR 7061, 7069 (March 4, 1977); 35 DCRR §306, November 1980, Special Edition.

2312 FINGERPRINTS AND PHOTOGRAPHS

- 2312.1 Each person registering a firearm shall be fingerprinted, unless all of the following apply:
- (a) The applicant has been fingerprinted by the Metropolitan Police Department within the five (5) year period immediately preceding the date the application was submitted;
 - (b) The applicant's fingerprints on file are, in the opinion of the Director, of the required quality; and
 - (c) The applicant offers sufficient identification to establish the applicant's identity as the same person whose fingerprints are already on file.

- 2312.2 An applicant shall not be required to submit new photographs with a second or subsequent application in order to meet the provisions of §204 of the Act (D.C. Code §6-2314(b) (1981)), unless the Director determines there is a need for new photographs.

SOURCE: Final Rulemaking published at 23 DCR 8942 (May 6, 1977), incorporating text of the Proposed Rulemaking published at 23 DCR 7061, 7070 (March 4, 1977); 35 DCRR §§308, 309, November 1980, Special Edition.

2313 PERSONAL APPEARANCE AND FILING TIME

- 2313.1 In accordance with D.C. Code §6-2314(c) (1981), each applicant for a registration certificate shall personally present the required form at the Firearms Registration Section, during operating hours.
- 2313.2 Multiple applications submitted at one (1) time shall be accepted on the basis of a single personal appearance.
- 2313.3 The Director may waive the requirement for a personal appearance in emergency situations, including cases where the applicant is out of the country, in the hospital, or not ambulatory; Provided, that the application shall be accepted for processing, but shall not be approved until the applicant appears in person.
- 2313.4 If the condition preventing the personal appearance is permanent or continuing in nature, the Director may in his or her discretion satisfy this requirement by interviewing the applicant at a place convenient to the applicant.
- 2313.5 When a personal appearance is not made, an appropriate notation shall be made on the application showing that fact, together with the name, address, phone number, and relationship to the applicant of the person presenting the application on the person's behalf.
- 2313.6 A person other than the president or chief executive of an organization may submit an application if that person presents with the application a letter on the organization's official letterhead signed by the president or chief executive of the organization, stating the name of the person appearing, that person's position within the organization, and the identity of the weapon he or she is authorized to present for registration.
- 2313.7 When submitting an application, an applicant shall not have the firearm to be registered in his or her possession.
- 2313.8 The Director may require an applicant to return with the firearm if it appears to the Director that any of the following conditions may apply:
- (a) That the person is unqualified or incapable of safe and responsible possession or use of the firearm;
 - (b) That the firearm may be unregistrable, defective, or in a dangerous condition or state of disrepair; or

- (c) That the information relating to the weapon on the application is incorrect, misleading, or incomplete.

2313.9 A person shall be deemed to be in compliance with the personal notification requirements of §206(a) of the Act (§6-2316(a), D.C. Code, 1981 ed.) if he or she, immediately after bringing a firearm into the District, telephonically notifies the Watch Commander of the Identification and Records Division.

SOURCE: Final Rulemaking published at 23 DCR 8942 (May 6, 1977), incorporating text of the Proposed Rulemaking published at 23 DCR 7061, 7071 (March 4, 1977); 35 DCRR §§310, 311, November 1980, Special Edition.

2314 ISSUANCE OF REGISTRATION CERTIFICATES

2314.1 Upon receipt of a properly completed application including photographs, fingerprints, and the required fee, the applicant shall be given a copy of the application form which indicates the fee has been paid.

2314.2 The Director shall make any inquiry and investigation as he or she shall deem necessary to determine whether the applicant is entitled and qualified to receive a registration certificate, including the following:

- (a) Inquiry and investigation of the applicant's criminal history;
- (b) Record checks;
- (c) Submission of fingerprints to the F.B.I.; and
- (d) Verification of the information supplied on the form through interviews or other investigative techniques.

2314.3 An applicant may be asked to supplement information originally submitted.

2314.4 If the Director finds the applicant eligible, the applicant shall be sent another copy of the application form which shall bear a unique registration number. This copy of the application form shall be retained by the applicant as his or her registration certificate.

SOURCE: Final Rulemaking published at 23 DCR 8942 (May 6, 1977), incorporating text of the Proposed Rulemaking published at 23 DCR 7061, 7073 (March 4, 1977); 35 DCRR §§313, November 1980, Special Edition.

2315 APPROVAL PERIOD

2315.1 The sixty (60) day period for issuance of a certificate under §207 of the Act (D.C. Code §6-2318(b) (1981)) may be extended for good cause in the event that the investigation into the applicant's qualifications has not been completed.

2315.2 Reasons that an extension may be granted for good cause shall include the following:

- (a) Non-receipt of the results of an F.B.I. fingerprint check;

- (b) Non-receipt of responses from other law enforcement agencies queried about the applicant;
- (c) Lost, mutilated, or destroyed records requiring reproduction or replacement; or
- (d) A substantial question concerning the applicant's eligibility that requires further inquiry.

2315.3 Any extension taken shall not exceed thirty (30) calendar days.

2315.4 The applicant shall be notified of the extension by letter.

2315.5 An application shall be automatically held in abeyance if the applicant has any other certificate pending, or becomes liable to revocation on any other certificate.

2315.6 An application that has been held under §2315.5 shall be approved or denied in accordance with the time limits set forth in this section, after the termination of the revocation proceeding.

2315.7 Except as provided in §2315.5, any application not expressly approved or denied within the following periods shall be deemed to be denied for the purpose of appealing to the Director:

- (a) Within the sixty (60) day period required in the Act, unless the period is extended for good cause shown in accordance with this section; or
- (b) At the end of the thirty (30) day extension period under this section.

SOURCE: Final Rulemaking published at 23 DCR 8942 (May 6, 1977), incorporating text of the Proposed Rulemaking published at 23 DCR 7061, 7074 (March 4, 1977); 35 DCRR §314, November 1980, Special Edition.

2316 CORRECTION OF CERTIFICATES

2316.1 Each applicant receiving a registration certificate shall immediately examine it to determine if it contains any incorrect information.

2316.2 If any error is found in the registration certificate, the applicant shall return it either by mail or in person to the Firearms Registration Section, together with a statement showing the error and the correct information.

2316.3 If the error occurred as a result of information supplied by the applicant, the applicant shall submit with the statement and certificate a fee equal to the fee paid at the time of the initial filing.

2316.4 If a certificate is returned without the payment of the additional fee, and it is determined to include erroneous data supplied by the applicant, the certificate shall be held at the Firearms Registration Section until the fee is paid. The applicant shall be notified of this action by mail.

- 2316.5 If the applicant fails to pay the additional fee within fifteen (15) calendar days of the notice, the certificate shall be revoked. A notice of revocation shall be sent to the applicant.
- 2316.6 Errors appearing on the certificate through inadvertence or error on the part of the Firearms Registration Section shall be corrected without charge to the applicant.
- 2316.7 If the Firearms Registration Section discovers an error, it shall notify the holder of the certificate and require the holder to return it to the Section. The procedures set forth in this section shall apply, as appropriate.

SOURCE: Final Rulemaking published at 23 DCR 8942 (May 6, 1977), incorporating text of the Proposed Rulemaking published at 23 DCR 7061, 7075 (March 4, 1977); 35 DCRR §315, November 1980, Special Edition.

2317 LOST, STOLEN, OR DESTROYED CERTIFICATES

- 2317.1 Upon discovering the loss, theft, or destruction of a registration certificate or firearm, the holder of the certificate shall immediately communicate this fact in writing or in person to the Firearms Registration Section in accordance with D.C. Code §6-2318 (1981).
- 2317.2 Each written communication concerning a certificate shall contain sufficient information to identify the holder.
- 2317.3 The filing of an offense report or complaint of a crime with respect to the loss, theft, or destruction of the certificate or weapon shall be deemed to be compliance with this section.
- 2317.4 The holder of a destroyed, lost, or stolen certificate shall be issued duplicate certificate without charge.
- 2317.5 The reissued certificate shall be prominently marked as a duplicate, and the issuance of the duplicate certificate shall automatically invalidate the lost, destroyed, or stolen certificate.

SOURCE: Final Rulemaking published at 23 DCR 8942 (May 6, 1977), incorporating text of the Proposed Rulemaking published at 23 DCR 7061, 7076 (March 4, 1977); 35 DCRR §317, November 1980, Special Edition.

2318 MODIFICATION OF CERTIFICATES

- 2318.1 If the information contained in the certificate is no longer accurate due to the holder's changed circumstances, the holder shall, in accordance with D.C. Code §6-2318 (1981), submit the certificate and a statement concerning the changes.
- 2318.2 A duplicate certificate showing the changes as reported shall be issued without charge.
- 2318.3 Issuance of the duplicate certificate shall automatically invalidate the previously held certificate.

SOURCE: Final Rulemaking published at 23 DCR 8942 (May 6, 1977), incorporating text of the Proposed Rulemaking published at 23 DCR 7061, 7076 (March 4, 1977); 35 DCRR §317, November 1980, Special Edition.

2319 EXECUTORS AND ADMINISTRATORS

- 2319.1 The executor or administrator of any estate containing a firearm shall notify the Director of his or her appointment or qualification, as the case may be, not later than thirty (30) days after the appointment or qualification.
- 2319.2 The notice shall include the following:
- (a) The name, mailing address and telephone number of the executor or administrator;
 - (b) A description of the gun including, the make, mode and serial number; and
 - (c) The name, address and telephone number of the decedent.
- 2319.3 Persons qualified to file a petition for distribution or for waiver of administration under chapter 7 of Title 20 of the D.C. Code, shall be considered to be executor or administrator of the small estate for the purposes of this section.
- 2319.4 If the Director determines that the firearm was not registered or was otherwise possessed in violation of the Act, he or she shall so notify the executor or administration in writing.
- 2319.5 If the firearm in question is a pistol, the executor or administrator shall, within seven (7) days of receiving the notification, do the following:
- (a) Surrender the pistol to the Firearm Registration Section;
 - (b) Lawfully remove the pistol from the District;
 - (c) Lawfully dispose of the pistol; or
 - (d) Appeal the decision to the Director.
- 2319.6 No firearm shall be distributed unless the person to receive the firearm has first obtained a valid registration certification for the firearm. The application shall include a statement by the applicant that he or she seeks to gain possession of a firearm which is part of an estate.

SOURCE: Final Rulemaking published at 24 DCR 2607 (September 30, 1977).

2320 - 2330 [RESERVED]

2331 FEES

2331.1 The following fees shall be charged in connection with the services provided under this chapter:

- (a) Accident reports \$ 2.00;
- (b) Arrest records 5.00;
- (c) Fingerprints 2.50;
- (d) Firearm registration 10.00;
- (e) Photographs 2.50; and
- (f) Transcript of records 2.00.

SOURCE: Final Rulemaking published at 28 DCR 1908 (May 1, 1981).

2399 DEFINITIONS

2399.1 When used in this chapter, and in forms prescribed under this chapter, where not otherwise distinctly expressed or manifestly incompatible with the intent of the Act or this chapter, the following terms shall have the meanings ascribed:

Business premises - the property on which a licensed, deadly weapons dealer's business is or will be conducted.

Dealer - any person engaged in the business of buying, selling, or otherwise dealing in firearms, ammunition, or destructive devices at wholesale or retail; any person engaged in the business of repairing, testing, or analyzing firearms; any person engaged in the business of making or fitting special barrels, stocks, or trigger mechanisms for firearms or destructive devices; or any person repairing, testing, analyzing, or making any destructive device or ammunition.

Director - the commanding officer or acting commanding officer of the Identification and Records Division of the Metropolitan Police Department.

Explosive or explosives - any chemical compound or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportion, quantities, or packing that an ignition by fire, friction, concussion, percussion, or detonator, or any part of the compound or mixture, may cause a sudden generation of highly heated gasses that results in gaseous pressures capable of producing destructive effects on contiguous objects or of destroying life or limb. (Art. 9, §3 of the Police Regulations)

Firearms Registration Section - a part of the Identification and Records Division of the Metropolitan Police Department, located in Room 2058, 300 Indiana Avenue, N.W., Washington, D.C.

Law enforcement officer - any person authorized by a unit of government to carry a firearm on public space and who is responsible for, and under a duty to, detect crimes and apprehend offenders. A law enforcement officer is not a commissioned special police officer or the equivalent.

Licensed dealer - a deadly weapons dealer licensed under the Act and this chapter.

Supervisor - the person in charge of the Firearms Registration Section.

SOURCE: Final Rulemaking published at 23 DCR 8942 (May 6, 1977), incorporating text of the Proposed Rulemaking published at 23 DCR 7061 (March 4, 1977), 35 DCRR §301, November 1980, Special Edition; as amended by Article 9, §3 of the Police Regulations (May 1981).